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ABSTRACT

In addition to the three traditionally defined branches of Federal and State government (executive, legislative, and judicial) there exists a fourth, powerful branch--administrative or regulatory agencies. To the naive eye, passage of a legislative act will lead to resolution of the problems that initiated the need for the act. However, legislation undergoes a process of further refinement that makes it implementable. This process occurs at the administrative agency level. It is important for educators to develop lobbying organizations to effectively communicate their concerns to administrative agencies and to have an impact on decision making. When educational advocacy groups are familiar with decision making processes within the different branches of government, they know what kinds of strategies to apply when endeavoring to work in policy and grantmaking areas. When trying to effect changes in policy or when applying for grants, advocacy organizations need to present their problems and issues to regulatory agencies in an organized, well documented, and well argued manner. (MK)

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Administrative Advocacy: Implications for Affecting Policy and Grantmaking*

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Many of us in contemporary society tend to think of our federal and state governments in terms of a triad, three major branches: the executive, legislative, and the judicial branches. However, those in the legal and lobbying professions have known for years that there exists a "fourth" branch of government, the administrative or regulatory agencies. This branch has played a significant and direct role in influencing people's lives far more than is normally thought. According to Davis (1972), an administrative agency is defined as:

> A governmental authority, other than a court and other than a legislative body, which affects the rights of private parties through either adjudication, rulemaking, investigating, prosecuting, negotiating, settling, or informally acting. An administrative agency may be called a commission, board, authority, bureau, office, administrator, department, corporation, administration, division, or agency. (Davis, 1972, p.i)

The purposes of this paper are multiple: 1) to provide a conceptual schema for Asian/Pacific American (hereafter referred to as APA) educators with which to view the administrative agencies of the government, 2) to call attention to the development of differential strategies of impact upon the branches of government, and 3) to suggest a multi-level advocacy strategy with which to affect the different branches of federal and state governments for policy and grantmaking purposes. Advocacy in this context will be defined as: "An individual, group or system with perceived greater resources who represents and/or instructs self-initiated problem solving efforts to another individual, group, or system with lesser resources" (Chan et al., 1976). It should be noted that the

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suggestions provided in this paper focus on representative advocacy efforts, that is, an organized group advocating on behalf of others seeking to have an impact upon institutions for beneficial changes. These efforts are different from approaches which emphasize the individual self-advocacy theme. A prime example of the former is the Center for Public Representation of Madison, Wisconsin, a public interest law center which represents the underrepresented and the unrepresented in areas such as environmental law, consumer law, women's rights, communications, etc. For those in the individual self-advocacy modality, the advocate counseling model developed by Brophy, Chan et al. is but one example. This latter approach focuses on providing the individual citizen with legal research skills and counseling/guidance to advocate for him/herself when confronted with legal/institutional problems. Theoretical and practical papers of this latter approach are found in Brophy, Chan & Mar (1974a), Brophy, Chan & Nagel (1974b), Chan (1979), and Chan, Brophy & Fisher (1980).

The Traditional High Visibility Arena. Most of us tend to utilize the three major branches of government (legislative, executive, and judicial) for bringing about changes, whether we are individuals or organized public interest groups. Those seeking change or reform tend to go to their legislative representatives or to the office of the executive when in need of help. When issues of conflict are unresolvable within the context of legislative or executive action, then some form of judicial procedure is requested. Examination of the social/political actions of certain underserved groups in the 1960's and 1970's reveals that a great majority of the behaviors and strategies by these organizations tended to focus on legislative, executive and/or judicial intervention. The passage of the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (5 U.S.C. 2301-2312) was an example of concerned citizens and consumer groups fighting for legislation which would provide some form of consumer protection at

the federal level. Executive Order 11246 by President Lyndon B. Johnson was a chief executive's response to the problems of equal employment opportunity and affirmative action. In the judicial vein, the state and federal courts have been the recipient of many cases which attempt to ameliorate the problems of segregation/desegregation in the public schools, the most noteworthy being Brown v. Board of Education (74 S.Ct. 686, 1954), et al.

It is very evident why so many citizens and public interest groups utilize the legislative, executive and judicial avenues for political, social and economic problems. These mechanisms are easily and directly accessible; more importantly, we have been taught to use these major avenues. This triad is the basis for public education about government as well as the context in which the public is aware of the decisions and consequences made by these officials. Decision makers on the legislative and executive branch levels are principally elected officials who are accountable to the voters. Decision makers on the judicial level, although not always elected, are dependent on the elected executive for the enforcement of their decrees. Therefore, there is a high probability that one or more branches of this governmental triad will be responsive to the demands for changes and reforms which would benefit their voting constituents. Unorganized groups which consist of diffused citizens, such as consumers, who are adversely affected by business/industrial actions can demand action as individuals with some hope of success. In addition, the actions by these branches of goverment are very public. Such media organizations such as the newspaper, television, radio, and magazines,etc. provide extensive coverage of the many pressworthy issues generated by these decision makers.

What procedures occur within these branches such that they can be responsive to public problems and needs? A brief sketch of the lawmaking process is in order. When a problem is felt by citizens, the impetus created by this feeling generates

some form of action, which in turn is brought to the attention of the legislature through overt action by citizens or through the media. Legislatures, if convinced of the necessity for action, will convene committees and have hearings to determine the nature and extent of the problem. If the problem is severe and warrants further action, a bill is introduced. The introduction of a bill is usually initiated in either the upper or lower body of representatives. When the versions of the bill are decided upon by each body of the legislature, then a joint committee from both bodies will convene to resolve which portion of each bill will be passed by the whole legislature. After passage the legislative act is sent to the chief executive for signing. If the chief executive signs, then the bill becomes part of the statute law. After the passage and the signing of the act into law, the statute is sent to (or creates) the appropriate executive/administrative agency responsible for its enforcement. At this agency, rules and regulations are drafted and subsequently promulgated, thereby signifying an attempt to solve the problem originally initiated by concerned citizens. Trubek (1976) describes this highly public process of creating institutions/agencies from statutes/legislative acts as occuring in the high visibility arena. Proposals, ideas, etc. are widely discussed in the legislature, committees, hearings, joint conferences, media, and parties take stands and seek votes based upon their position on a particular scheme. The decision to establish an institution/agency is taken by legislators and the chief executive.

Once a bill is passed and signed, the legislature as a whole, the parties, and the chief executive, do not generally concern themselves with the detailed and technical process of implementing the law. The press has little interest in such matters; it is just not pressworthy and such news items may be boring and too technical for the public to read or view. The job is left to the already established or newly created administrative or regulatory agency with occasional or infrequent

oversight functions from specific legislative committees. The issues which originally fueled the development and passage of the bill, now dissappear from the public agenda. Concerned individuals and public interest groups which supported the issues during the development and passage phases now disband after proclaiming victory. Many of these public groups are often exhausted by this legislative process for change and accept the passage of legislation as a symbol of their reward, leaving the "details" of implementation up to the administrative agencies.

The Low Visibility Arena. To the naive individual or group, the passage of a legislative act will lead to the resolution of problems which initiated the need for the bill. Indeed this does not. There exists another world, which Trubek (1976) calls the low visibility arena, out of the public eye and generally unaffected by the electoral process, where a further significant refinement of the statute takes place. It is this final refinement which makes the law implementable. This process occurs at the executive/administrative agency level. According to Davis (1972), the average person is much more directly and much more frequently affected by the administrative processes in this low visibility arena than by the judicial process. Contrasted with the executive and legislative processes, the judicial process is viewed by the average citizen as somewhat remote from his/her own problems. Many people go through life without ever being involved in a lawsuit, but the administrative process affects everyone in many ways everyday. The pervasiveness of the effects of the administrative process by administrative/regulatory agencies is sometimes called the "fourth" branch of goverment, and it can quickly be appreciated by citing several examples of what this process protects against:

> Air and water pollution; excessive prices of electricity, gas, telephone, and other utility services; unreasonableness in rates, schedules and services of airlines, railroads, street cars, buses; disregard for the public interest in radio and television and chaotic conditions for broadcasting; unwholesome meat and poultry; adulteration in food;

> fraud or inadequate disclosure in sale of securities; physically unsafe locomotives, ships, airplanes , bridges, elevators; unfair labor practices by either employers or unions; false advertising and other unfair or deceptive practices; inadequate safety appliances; uncompensated injuries related to employment; cessation of income during temporary unemployment; subminimum wages; poverty; industrial plants in residential areas; loss of bank deposits; and (perhaps) undue inflation or deflation (Davis, 1972, p.3).

What is this "fourth" branch of government and what happens in these agencies which affect our lives as directly as the other three major branches of government? Recall my definition at the beginning of this paper and note that these are governmental bodies which are under the executive branch charged with the responsibility of implementing the statutes passed. After the signing of a bill by the chief executive officer, an administrative agency is designated (or created) to promulgate rules and regulations which will enable the statute to be implemented by those responsible on the national and/or state levels. This rulemaking process, on the federal level, is described in the Administrative Procedures Act (5 U.S.C. 553). Basically, the agency staff devises proposed rules and publishes them in the Federal Register with an invitation to the public or interested parties to make written comments, usually within thirty days from the publication date. This is called the NPRM procedure (the Notice of Proposed Rulemaking). The agency's staff then analyzes the comments and revises the rules. Then the final rules are published in another issue of the Federal Register, but do not become effective for x days after publication; protests thus can be directed to the final version as well. Members of NAAAPE should be interested in this NPRM process since guidelines for funding programs in bilingual education, desegregation of public education,etc., are actually the rules promulgated by these administrative agencies. Within federal and state administrative agencies, rulemaking is one of the most important functions.

In addition to the rulemaking process, administrative agencies on the federal and state levels engage in a series of other activities which are important

to highlight at this point: informal action, adjudication, investigation, prosecution, negotiation, and settlement. For example, if an administrative agency does not bring a conflict with the law to the attention of the courts, the judicial branch of government usually does not take notice of it. On the other hand, it is the administrative agency which is responsible for the enforcement and implementation of judicial decisions. However, time does not permit full discussion of all of these activities; therefore, informal action will be discussed in light of the theme of the NAAAPE conference to illustrate the power of administrative agencies.

Many administrative decisions come from informal discretionary action which is not reviewed. Legislatures provide no clear guidelines for the implementation of a statute; in addition, they rely on the technical and administrative expertise of these agencies to implement appropriately and accordingly. It is commonly known in administrative law that informal discretionary action is the lifeblood of the administrative process. If every administrative behavior and decision is reviewed, then many daily activities and actions could not be possible and could not be made expediently. Consider the Catalog of Federal Domestic Assistance, and note that it contains a comprehensive listing and description of all the domestic assistance programs and activities administered by all the federal departments and agencies. The programs are designed to provide help to state/local governments, public/private organizations, and individuals via grants, loans, goods and services, use of federal facilities, technical assistance and counseling and service activities. It should be noted that the discretionary power of these granting agencies is enormous, and formal hearings and review of their efforts are a rarity. The Office of Bilingual Education and the Equal Educational Opportunity Programs give grants to public schools, institutions of higher education, state educational agencies, and private organizations on a competitive basis. These

offices take informal discretionary action on the basis of reviewers' and staff comments of proposals submitted and decide on the "winners." This informal action is normally unreviewable. However, the Grant & Cooperative Agreement Act of 1977, the Paperwork & Red Tape Reduction Act of 1979, and the Federal Assistance Reform Act of 1980 is beginning to provide the public with some means of grant appeals. Has anyone heard of an unfunded proposal being funded by Grant Appeals Board action? Even among those who receive grants, one might raise the following questions regarding administrative discretionary practices: On what basis are grant monies distributed among the "winners?" Are these distribution criteria open to the public and reviewable? Other than the scoring system and the reviewers' comments, on what basis are the "winners" selected?

Before leaving this particular topic, let me impress upon the reader the immenseness of the administrative agencies. It is difficult to know exactly the number of administrative agencies which exists in the various levels of government, federal, state, and local. The state of Wisconsin has more than a hundred agencies with powers of rulemaking and adjudication. Consider the largest federal department, the old Department of Health, Education, and Welfare and its gigantic budget and discretionary powers. Consider also the new Department of Education and its annual budget and its decision making powers about who gets what. The volume of rulemaking output from these federal agnecies far exceeds the volume of legislative output of Congress. For example, the Code of Federal Regulations is considerably larger than the United States Code. Likewise, the Federal Register, the daily federal publication where administrative agencies display their notices of proposed rulemaking, hearings, and meetings, is considerably larger than the United States Statutes At Large or the Congressional Record. The enormity of these low visibility agencies on the federal and state levels and their impact upon our lives is great.

Implications of Low Visibility Arena. The average citizen or public interest group is less aware of the impact of specific decisions and/or decision makers in

the low visibility arena. The rules and decisions made by administrative agencies at this level are often not well publicized, even though they are public information. In addition, the decision makers in these administrative agencies are not directly affected by the voting power of the public. Only the highest officials, appointed by the elected executive, are accountable to the electorate. Many of the rest are protected by law with virtual lifetime appointments. Therefore, if these agency decision makers are relatively insulated from the impact of unfavorable public votes, they may not care if the affected public groups do try to use voting power. Subsequently, decision makers may be less sensitive to the public.

Who then has been effective in influencing these administrative agencies? Private interest groups have historically been very successful in influencing the "fourth" branch processes of rulemaking, informal discretionary action, and adjudication. Private business and industrial concerns, via lobbying, have focused their efforts historically on both the high and low visibility arenas in order to secure favorable results. An examination of this is needed.

Because administrative or regulatory agencies are not provided with clear guidelines or substantive rules from the statute with which to regulate businesses and industries, the agencies must, therefore, develop rules and policies for and by themselves. Rulemaking has a public checkpoint; however, agency policies or administrative memoranda do not. These administrative memoranda tend to be extremely technical and complex. In fact these policies are often codified and constitute a volume of information further refining the statute and regulations which is greater than both combined. The Social Security Claims Manual is but one example of the extreme technicality and complexity of internal agency administrative memoranda. Because of these technical complexities, legislatures tend to relegate such implementation issues to the administrative agencies. Administrative agencies, on the other hand, tend to hire more technically-oriented

people on their staff and tend to have greater access to more specific technical information with which to formulate rules and regulations and administrative memoranda.

Private interest groups tend to affect the administrative agency processes very successfully because 1) they understand the structure, function and linkages in the administrative agencies and their processes, 2) they have access to the technical information including administrative memoranda affecting the agency decision making process, and 3) they have the legal and technical expertise so as to input and to prevail in the rulemaking, informal action, and adjudication processes. In some circles, in the oil industry, for example, the legal and technical information by these companies far exceeds that of the federal regulatory agencies. One need only read the articles, "Business lobbying; A threat to the consumer interest," in Consumer Report (1978) and "The assault on the FTC," in Consumer Report (1980) to reinforce the sophistication and effectiveness of business lobbying in the high and low visibility arenas. Anyone thinking that the federal government will protect the interests of the consumer is in for a rude awakening. On the more scholarly side, it has been documented that business/industrial lobbying has been so successful that regulatory agencies over time often tend to make decisions favorable to those whom they regulate. This has been described by Marver Bernstein. According to Sabatier (1975), although there is disagreement as to how this phenomenon occurs, there is no doubt that this adminstrative agency "captivity" does occur. In short, over time the regulatory agencies tend to become tools of groups they regulate due perhaps to greater information access, greater expertise, and sustained pressure by the groups they regulate. Often these groups hire former administrative agency experts to advance their cause.

In contrast, concerned individual citizens and public interest groups tend not to possess any of the above three factors in sufficient magnitude to be of

influence. If the public citizenry is diffused geographically and socially, such as the consumers, then the task of affecting administrative agencies is almost impossible. In such instances, recent efforts by public interest law groups, such as the Center for Public Representation, are somewhat successful in representing the efforts of diffused and unorganized consumers in both high and low visibility channels. Other efforts by public interest law groups to represent the under/un-represented are described in Balancing the Scales of Justice (1976).

Implications for Operating in the High & Low Visibility Arenas. As educators, we have not been very political in our efforts to advance the field of education, be it for the white majority , or for the different minority populations. In some circles, we are perceived as the gutless wonders, those educators with high passionate rhetoric but poor political performance. According to Sam Halperin (Institute for Educational Leadership) at George Washington University, "educators are seen by politicians as arrogant, and worse yet, sanctimonious." Historically, Asian/Pacific Americans (APA) have not been very active politically. If there were political involvements, then they usually focused on the high visibility arena, not the low visibility channel. For the National Association of Asian-American & Pacific Education, the implications are clear. There are many similar public interest groups which are organized, interested in promoting equal educational opportunities for the different minorities, such as the National Association for Bilingual Education, the National Education Association, the Pacific Asian Coalition, the Asian & Pacific Federal Employee Council, and the National Alliance for Asian/Pacific Americans Association. These groups are organized and have a network between each other, they can pool their resources to provide some form of sustained advocacy for changes and reform, and they have the technical expertise in education, bilingual education, linguistics, sociology, anthropology, and psychology within their organizations to affect appropriate administrative agency policies on the federal and state levels. However, for many of these organizations

there is still a need to 1) have access to the technical information and administrative memoranda affecting them, 2) have the money for the information and for their own internal organizational management, 3) understand and digest the information affecting them, 4) understand federal and state political events and decision making mechanisms within all four branches of government, and 5) lobby in both the high and low visibility channels to secure favorable results on behalf of a larger number of constituents.

Many of the above organizations named are already working with two "internal lobbying" units within the Department of Health, Education and Welfare, i.e., the Asian Pacific American Concerns Staff (APACS) and the Division of Asian American Affairs (DOAAA). Established in 1977, APACS is structured within the U.S. Office of Education, Office of the Commissioner, and has four main purposes: 1) to review policy, programs, procedures of U.S.O.E., and to assess their impact upon APA, 2) to act as liaison with APA individuals and groups on the local, state and federal levels, 3) to maintain and disseminate information of the U.S.O.E. and other related federal programs to APA, and 4) to communicate the concerns of APA to the U.S.O.E. Commissioner. The Division of Asian American Affairs performs research and evaluative functions for the Office of the Assistant Secretary for Planning and Evaluation (ASPE). Under the new U.S. Department of Education, it is not known how these two units will be reorganized. From a service viewpoint, both APACS and DOAAA are doing a quality job in their stated goals. From an advocacy perspective, there appears to be too much reliance upon these internal organizations to promote APA health, education and welfare changes and reform. As good a job as both units are performing, it must be remembered that it is difficult to advocate effectively when one might lose his/her job. The accountable superiors of both these organizations are the U.S.O.E. Commissioner and the Assistant Secretary for Planning and Evaluation. Such variables as job security, loyality, friendship, merit, advancement,etc., are indeed real. It may be more difficult

for APACS and DOAAA to advocate vigorously through their internal mechanisms for certain changes and reforms. Within such internal efforts, there must be careful balance between cause, commitment, loyality, and job performance. Instead of a heavy reliance upon these units, there should be greater emphasis on the development of external pressure via the existing APA organizational described. External lobbying does not have the same constraints as APACS and DOAAA, therefore, one may be less reluctant and more forceful in his/her tactics.

In addition to network building between those organizations who have common purposes, it may be easy to dismiss possible alliances with those in another sector of life. With business/industrial lobbying groups being so successful historically, it behooves us to think about areas of common goals and payoffs. Let me provide you with an example of a little thought-of alliance. Hospitals tend to overcharge consumers in their stay in the hospitals. These overcharges may vary from an additional $5.00 for aspirin which the consumer never received, to excesses of hundred of dollars for technical services that are part of a standard routine but never performed. Consumers usually do not complain about these overcharges in the billing since it is covered by a third party, the insurance company. But all consumers in the long run do indeed pay for the increase in health care premiums. Question: is it possible to form a coalition between consumers as a group and the insurance companies to fight and provide safeguards for hospital overcharges? Educators have tended to shy away from involvements with business/industrial lobbying efforts because of their purist and sanctimonious reasons; it's time to re-evaluate this posture.

Affecting Policy and Grantmaking Processes and Decisions. Before addressing differential advocacy strategies upon the four branches of government, it is appropriate to examine how advocacy efforts can and have affected both policy and grantmaking decisions and processes. Within the policy area, the following

four examples call for a coordinated effort by both internal and external organizations:

1. Employment - According to the Wisconsin state newsmemo, AfAc (February 15, 1980), ethnic and racial minorities are being fired from the permanent classified state jobs at rates two to five times their presence in the state's workforce. Perhaps this also occurs on the federal level and across the nation. If so, then internal and external lobbying are necessary on several governmental levels.
2. Census - There is a tendency to miscount or undercount certain racial/ethnic minorities in the national census. Influencing administrative agencies to provide adequate staff, appropriate language forms, etc., would ensure a more accurate count.
3. Indochinese Refugee Planning - Planning and policy development for Indochinese refugees have not involved APA professionals nor citizens. Much of this planning is done within administrative agencies. Inclusion of APAs would ensure the development of a more sensitive needs assessment and delivery system.
4. Ethnic Heritage Week - May 7th to 14th of this year will be devoted to Asian Pacific American Ethnic Heritage Week. This was made possible by internal and external organizational pressure upon President Carter, such that a proclamation will be forthcoming regarding the week's events.

Within the grantmaking process, the events affecting the desegregation of public education in 1978 is noteworthy to discuss in light of the advocacy efforts in this funding area. Prior to 1978, competition for the General Assistance Centers (GACs), i.e., regional facilities to provide technical assistance to school districts undergoing desegregation due to race and national origin, was done on a contractual basis. The Equal Educational Opportunity Programs (EEOP)

would release a notice called, Request for Proposals (RFP) via the Commerce Business Daily (CBD). Anyone in the proposal writing business would know that accessing the CBD for this announcement would be costly. In addition, the contractual nature of the competition tended to favor certain large organizations. Several lobbying groups, especially the women's educational equity network, influenced EEOP to make the competition more open to the public so that more organizations could compete. EEOP responded and changed the nature of the competition from a contract to a grant status. This meant that specific amended rules would be formulated as to the guidelines and criteria for the grant competition, and these rules would be subject to public review in the Federal Register, as required by the Administrative Procedures Act (5 U.S.C. 553).

The proposed amended rules governing the awards under Title IV of the Civil Rights Act of 1964 (desegregation of public education) were issued in the Federal Register (March 20, 1978). The proposed rules allowed for awards via grant competition for school boards, for state educational agencies, for race/sex/national origin desegregation assistance centers, and for race/sex desegregation training institutes. The regulations asked for public comments by April 19, 1978 and provided public meetings in five cities to accumulate public comments. The proposed deadline for proposal submission was to be May 19, 1978. To make a long story short, there was so much public uproar about the proposed guidelines being restrictive, that the competition deadline was postponed. The objections and pressures for guideline changes came from legislators, public educators, groups representing the various race, sex, and national origin backgrounds. There was so much verbal and written objection that it took EEOP much of the spring and summer months to sort out the comments and to develop a revised set of rules. To this day, the process and decision making regarding rule changes with administrative agencies is still unknown. The revised final regulations appeared in

another issue of the Federal Register (July 26, 1978), announcing a proposal submission deadline of August 25, 1978. Although the final regulations for grant competition did not accommodate all the public comments and criticisms, it changed enough to suit many school districts, state educational agencies, and potential proposal writing organizations.

One more grantmaking example is appropriate. Prior to fiscal year 1979, the U.S. Office of Education had a proposal deadline policy of requiring the sender to postmark the proposal five calendar working days before the actual deadline date. This procedure would ensure that the proposal, when sent by federal mail, would arrive in Washington, D.C. on or before the deadline date. If the proposal were hand delivered, then it should be received by the Application Control Center and time stamped by 4:00 pm of the deadline date. Such a procedure favored certain organizations with money and resources at their disposal. Competing organizations with modest budgets could not work on the proposal as long, since they had to postmark it five calendar working days before the actual deadline. Affluent organizations however, could work on their proposals during these same days, send the proposal via Air Couriers (a private international delivery service) the night before the deadline, have it arrive in Washington, D.C., and hand delivered by the deadline time. Again, certain lobbying groups were influential in affecting federal administrative agencies to change in inequity. As a result, the new regulation requires that the postmark date be the same as the hand delivery deadline date, neutralizing those proposal writing organizations with greater resources. Now, the new EDGAR (Education Division General Administrative Regulations) will formalize this procedure for all of U.S.O.E. or the Department of Education. The examples cited in the policy and grantmaking areas worked because organizations and lobbying groups were familiar about the decision making mechanisms in the different branches of government, they knew what kinds of strategies to apply, and they knew when to apply them.

High/Low Visibility Arenas and Differential Advocacy Strategies. In the application of advocacy strategies for securing favorable results, it is important to realize that the different branches are influenced in a differential manner, according to Trubek's high and low visibility arena concept. If organizations were to lobby in the executive and legislative branches of the government, the high visibility channel, then there is a need for a strong voting block, a need for public pressure such as the "100 weeping grandmothers" strategy, and less of a need for technical data and information. Lobbying in these public branches means organizations are dealing with those decision makers who are influenced by votes and public pressure. Therefore, the label or form of an issue is very important. There needs to be catchy phrases, such as the "marital property reform act" or the "equal rights amendment." In addition, issues brought forth in public should be pressworthy, i.e., easily amenable for press coverage.

Organizations performing advocacy efforts in the low visibility channel, i.e., within the administrative/regulatory agencies, will need to present the problems and issues in an organized, well documented, and well argued manner. Lobbying in this branch of government means organizations are dealing with many institutional personnel (many career "lifers") who are technically competent in specific areas. The label or form of the issue is less important as is the pressworthiness of the problem, since administrative agencies are more immune to these influences. There is a need to document the problem and the extent of the need with organized data in a well argued manner. Since administrative agency personnel are implementers, facts regarding the implementation problem carry greater weight than passionate rhetoric. At this point, it is important to reiterate the need to incorporate the factors which make business/industrial lobbying so successful: the understanding of the administrative agency structure, function and linkages, the access to technical information and administrative

memoranda, and the legal and technical resources to input and to prevail in the rulemaking, informal action and adjudicative processes.

Advocacy within just one arena is not enough. For effective lobbying, organizations must develop differential advocacy strategies affecting both the high and low visibility channels. Business/industrial lobbyists do well in both arenas, and there is much to learn from their conceptualization, practice, and possible cooperative efforts. These accomplished groups tend to think out which other groups can support their issues and begin to build coalitions which can affect the different levels of government. In addition, they tend to maintain contact with their constituents. Moreover, they tend to have a multi-level strategy at all levels of government and they tend to know when to influence which actor for help or influence. They have contacts and influence with the chief executive, with powerful legislatures, as well as with the administrative agency personnel and judicial branch members. Instead of "end running" an administrative agency decision by appealing directly to the chief executive or to the powerful legislatures, the sophisticated lobbying organization can also rely on influencing the following procedures: 1) notice of proposed rulemaking process, 2) hearings - legislative and administrative agency, 3) administrative agency rulemaking, 4) administrative agency quasi-judicial hearings, 5) executive branch oversight of administrative agency, 6) legislative oversight of administrative agency, and 7) informal legal advocacy (seeking opinions from the attorney general regarding administrative agency ruling).

Time does not permit further elaboration of the procedures cited. This paper can only point to some areas and strategies to consider. Organizations such as the National Association for Asian American & Pacific Education can begin to learn from successful lobbying efforts, so that they may incorporate conceptualizations and practices to fit their own problem setting. It is hoped that those organizations

which take up a sustained advocacy effort on behalf of a larger number of people can also adopt a multi-level advocacy strategy affecting both the high and low visibility arenas. Kung Tzu (Confucius, 551-479 B.C.) taught the Chinese that the son of heaven is the parent of the people and rules over the empire; the universe is but a large family. In traditional China, the relationship between the ruler and the subject was one of personal paternalism. The ruler was father, high priest, and sovereign, all in one person; the subjects were like obedient sons. As for me, I prefer the political democracy perspective advocated by Meng Tzu (Mencius, 372-289 B.C.), in which he states, "Heaven sees as the people see" [from The Book of Mencius IIIA:5, as translated by Chan (1963, p. 78)]. Indeed, what we are dealing with in present day government is really a pyramid, not a triad, nor a triangle.

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